

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Advanced Methods to Target and Eliminate	)	CG Docket No. 17-59
Unlawful Robocalls	)	
	)	
Call Authentication Trust Anchor	)	WC Docket No. 17-97
	)	

**REPLY COMMENTS OF  
NCTA – THE INTERNET & TELEVISION ASSOCIATION**

NCTA – The Internet & Television Association (NCTA) submits this reply regarding the *Further Notice* in the above referenced proceedings.<sup>1</sup> NCTA’s members are deeply committed to protecting the American public from illegal and unwanted robocalls. As the Commission notes – and our members’ experiences show – a significant number of illegal robocalls originate abroad, with robocallers frequently employing spoofed US telephone numbers to trick consumers into answering calls.<sup>2</sup> NCTA therefore supports the Commission’s efforts to find solutions to combat foreign-originated illegal calls.

NCTA files these comments specifically to address the proposal in the *Further Notice* to require a voice service provider or intermediate provider downstream from a particular gateway provider to block calls from that gateway provider where the Commission has determined the provider is a bad actor.<sup>3</sup> Should the Commission adopt this proposal, it should also adopt a broad safe harbor to shield downstream providers from liability for implementing the required

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<sup>1</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, Fifth Further Notice of Proposed Rulemaking in CG Docket No. 17-59 and the Fourth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, FCC 21-105 (rel. Oct. 1, 2021) (“*Further Notice*”).

<sup>2</sup> *See id.* ¶ 26.

<sup>3</sup> *See id.* ¶ 60.

blocking. As Comcast explained, “providers often play different roles for different calls (e.g., as a gateway provider for some calls and as a terminating provider for other calls)[.]”<sup>4</sup> Accordingly, traffic a downstream provider receives from a gateway provider may be a mix of calls originating overseas and calls originating domestically. The Commission should ensure that downstream providers will not be liable for inadvertent over- or under- blocking that results from reasonable, good faith efforts to comply with a blocking mandate.<sup>5</sup> Indeed, such a safe harbor would be consistent with other safe harbors the Commission has adopted in the robocall blocking context.<sup>6</sup>

NCTA also agrees with the wide array of commenters who recommend that the Commission avoid saddling providers that are already subject to robocall mitigation and call authentication obligations with additional and potentially inconsistent requirements to the extent they are also deemed to be “gateway providers” under the Commission’s new definition. T-Mobile correctly points out that requiring such providers to “comply simultaneously with two sets of regulations” would “present[] a number of operational challenges.”<sup>7</sup> As USTelecom notes, applying a “straightforward consistent approach,” rather than “adopt[ing] new requirements that apply to providers when they play certain roles but not others,” would help reduce these operational complexities and also would avoid “add[ing] new opportunities for

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<sup>4</sup> Comments of Comcast Corp., CG Docket No. 17-95, WC Docket No. 17-97, at 8-9 (filed Dec. 10, 2021).

<sup>5</sup> *See also id.* at 9 (“Providers should not be penalized for taking action to block calls when they reasonably believe themselves to be acting according to Commission requirements.”); Comments of T-Mobile USA, Inc., CG Docket No. 17-59, WC Docket No. 17-97, at 6 (filed Dec. 10, 2021) (“T-Mobile Comments”) (“If, however, the Commission imposes blocking requirements on gateway providers – whether based on reasonable analytics, at Commission direction or otherwise, it should confirm that they have no liability when implementing those requirements.”).

<sup>6</sup> *See, e.g., Advanced Methods to Target and Eliminate Unlawful Robocalls*, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, 35 FCC Rcd. 7614, ¶¶ 25-26, 36-37 (2020) (establishing a safe harbor for providers that choose to block traffic from certain Commission-identified bad-actor upstream voice service providers and a safe harbor for blocking based on reasonable analytics).

<sup>7</sup> T-Mobile Comments at 4.

gamesmanship” by bad actors.<sup>8</sup> NCOMPAS similarly suggests that, “[r]ather than burden gateway providers with obligations the Commission has not assigned to other classes of voice service providers, . . . the Commission [should] first bring gateway providers into compliance with the current set of requirements for other intermediate providers.”<sup>9</sup> NCTA agrees that these commonsense recommendations would result in an effective and consistent robocall mitigation regime.

Respectfully submitted,

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<sup>8</sup> Comments of USTelecom – The Broadband Association, CG Docket No. 17-95, WC Docket No. 17-97, at 7 (filed Dec. 10, 2021).

<sup>9</sup> Comments of INCOMPAS, CG Docket No. 17-59, WC Docket No. 17-97, at 7 (filed Dec. 10, 2021).